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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 WALTER ENGLAND,

Case No. 3:23-cv-00447-MMD-CSD

7 Plaintiff,

ORDER

8 v.

9 CHRISTIAN HOYT, *et al.*,

10 Defendants.

11 *Pro se* Plaintiff Walter England brings this action alleging violations of the First
12 Amendment, the Fourth Amendment, and 18 U.S.C. § 242. (ECF No. 4.) Before the Court
13 is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S.
14 Denney, recommending that the Court dismiss this action without prejudice for England’s
15 failure to comply with the Court’s previous order (ECF No. 7) dismissing Plaintiff’s first
16 amended complaint and directing him to file a second amended complaint. (ECF No. 9.)
17 Judge Denney also recommends denying the pending Motion to Request Media Approval
18 (ECF No. 3) as moot. (ECF No. 9 at 4.) Objections to the R&R were due February 27,
19 2024. (*See id.*) To date, no objections have been filed.¹ For this reason, and as explained
20 below, the Court adopts the R&R in full and dismisses this action without prejudice.

21 Because there is no objection, the Court need not conduct *de novo* review and is
22 satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d
23 1114, 1116 (9th Cir. 2003) (“*De novo* review of the magistrate judges’ findings and
24 recommendations is required if, but *only* if, one or both parties file objections to the
25 findings and recommendations.”) (emphasis in original). Judge Denney recommends
26 dismissing this action because England failed to file a second amended complaint within

27 ¹Both the Court’s order directing Plaintiff to file a second amended complaint and
28 the R&R were returned as undeliverable. (ECF Nos. 8, 10.) However, it is England’s
responsibility to file notification of any change of mailing address. *See* LR IA 3-1.

1 the time directed by the Court in its January 9, 2024 order (ECF No. 7). (ECF No. 9 at 2-
2 3.) While that order was returned as undeliverable (ECF No. 8), England has also failed
3 to update his contact information as required by Local Rule IA 3-1. To date, England has
4 not filed a second amended complaint, updated his contact information, or otherwise
5 indicated intent to prosecute this action. See Fed. R. Civ. P. 41(b) (permitting dismissal
6 of an action for failure to prosecute or comply with rules or a court order). Having reviewed
7 the R&R and the record in this case, the Court agrees with Judge Denney that dismissal
8 is appropriate and will adopt the R&R in full.

9 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
10 No. 9) is accepted and adopted in full.

11 It is further ordered that the Motion to Request Media Approval by Interested Party
12 Jacob S. Peck (ECF No. 3) is denied as moot.

13 It is further ordered that this action is dismissed without prejudice.

14 The Clerk of Court is directed to enter judgment accordingly and close this case.

15 DATED THIS 1st Day of April 2024.

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17 MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
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